

S.B. 929 (Haley) Relating to the use of a facsimile signature and seal by the Texas Employment Commission. (29-1) Washington "Nay" (30-0)

S.B. 930 (Montford) Relating to membership and credit in, and benefits and administration of, certain retirement systems for volunteer or paid fire fighters. (29-1) Washington "Nay" (30-0)

S.B. 950 (Truan) Relating to advisory committees, allocation of powers, financial and performance audits, and terms of office and removal of board members of certain metropolitan rapid transit authorities. (29-1) Washington "Nay" (30-0)

S.B. 972 (Truan) Relating to the supplemental compensation received by certain judges in Nueces County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 978 (McFarland) Relating to the use of certain abandoned motor vehicles by a police department. (29-1) Washington "Nay" (30-0)

S.B. 1350 (Haley) Relating to the acquisition of real property in Shelby County by the Texas Department of Public Safety. (29-1) Washington "Nay" (30-0)

H.B. 404 (Edwards) Relating to the designation of April 9 as "Former Prisoners of War Recognition Day." (29-1) Washington "Nay" (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:57 a.m. adjourned until 11:00 a.m. today.

THIRTY-FIFTH DAY (Thursday, March 30, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Washington, Whitmire, Zaffirini.

Absent-excused: Parmer, Uribe.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Eternal Father and source of unfailing light and strength, we offer our thanks for this day in which we will have opportunities for service to others. As this day of work begins may each Member come to this session with renewed energy and confidence for the yet unfinished business of the legislature. We ask this in the name of our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

S.C.R. 61
S.B. 83
S.B. 196
S.B. 478
S.B. 253 (Amended)
S.B. 82 (Amended)

Senator Montford submitted the following report for the Committee on State Affairs:

S.C.R. 70
S.B. 869
S.B. 546
S.B. 58
S.B. 1115
S.B. 1308
S.B. 815
S.B. 870
S.B. 86 (Amended)
C.S.S.B. 479
C.S.S.B. 538
C.S.S.B. 825
C.S.S.B. 723
C.S.S.B. 626
C.S.S.B. 899
C.S.S.B. 898
C.S.S.B. 897
C.S.S.B. 838
C.S.S.B. 340
C.S.S.B. 852
C.S.S.B. 104
C.S.S.B. 101

Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 982
S.B. 1509

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 911

S.C.R. 85
S.B. 1248 (Amended)
C.S.S.B. 622

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 1089

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 844
S.B. 1136
S.B. 1232
S.B. 1545
C.S.S.B. 993
C.S.S.B. 847
C.S.S.B. 1525
C.S.S.B. 64
C.S.S.B. 866

MESSAGE FROM THE HOUSE

House Chamber
March 30, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 162, Commending Bill Murray.

H.C.R. 137, Honoring the Austin Saengerrunde Damenchor.

H.C.R. 159, Urging the Texas Aeronautics Commission to apply for funds for the purpose of studying the feasibility of locating a superport in Texas.

H.C.R. 138, Congratulating the Austin Lodge No. 12 of the Ancient Free and Accepted Masons.

H.C.R. 163, In memory of Tom Roden.

S.C.R. 84, Expressing appreciation for the achievements of the Marine Photographic Squadron VMD-154.

S.C.R. 94, Congratulating Gordon Bailey on his 80th birthday.

S.C.R. 86, Welcoming participants of the 1989 Branders Jeans Tour of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 68
S.C.R. 97

S.B. 315**S.B. 430****SENATE BILLS ON FIRST READING**

On motion of Senator Armbrister and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1601 by Armbrister Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Piney Creek Municipal Utility District.

S.B. 1602 by Parmer Natural Resources
Relating to the establishment within the Department of Agriculture of the Texas-Israel Semi-Arid Fund and Board.

S.B. 1603 by Whitmire State Affairs
Relating to the composition of certain districts from which members of the State Board of Education are elected.

S.B. 1604 by Whitmire State Affairs
Relating to the processing of absentee ballots.

S.B. 1605 by Leedom Jurisprudence
Relating to certain statutory county courts in Dallas County.

S.B. 1606 by Brown Intergovernmental Relations
Amending Section 143.119(g) of the municipal civil service act modifying the six-month rule on indefinite suspensions where the act complained of would also constitute a felony.

S.B. 1607 by Johnson, Brown Jurisprudence
Relating to waiver of landlord duties and venue for actions under Chapter 92 of the Property Code; maintenance of a rental dwelling in a habitable condition; and utility cutoffs due to a residential landlord's failure to pay utility bills.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 45, To Committee on Natural Resources.

H.B. 618, To Committee on Health and Human Services.

H.B. 753, To Committee on Health and Human Services.

H.B. 1038, To Committee on Economic Development.

H.B. 1126, To Committee on Criminal Justice.

H.B. 1301, To Committee on Natural Resources.

CO-AUTHOR OF SENATE BILL 55

On motion of Senator Brown and by unanimous consent, Senator Bivins will be shown as Co-author of **S.B. 55**.

CO-AUTHOR OF SENATE BILL 524

On motion of Senator Johnson and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 524**.

CO-AUTHOR OF SENATE BILL 1503

On motion of Senator Parker and by unanimous consent, Senator Green will be shown as Co-author of **S.B. 1503**.

HOUSE CONCURRENT RESOLUTION 163

The President laid before the Senate the following resolution:

WHEREAS, The citizens of Odessa lost a valued friend and much-admired civic leader with the recent death of Tom "Pinkie" Roden on February 27, 1989, at the age of 77; and

WHEREAS, Born on March 28, 1911, in Chalk Mountain, he lived in Glen Rose and Fort Worth before relocating to Big Spring in 1934 where he opened the first store of the Pinkie's liquor store chain; and

WHEREAS, Four years later, he opened another liquor store in Odessa and quickly parlayed those first stores into a West Texas retail empire stretching from Abilene to Amarillo; at the time he sold the chain in January 1987, the liquor store group numbered 26 stores in West Texas and is today one of the 10 largest liquor retail companies in the nation by volume sales; and

WHEREAS, This esteemed gentleman was active in the National Liquor Store Association and was a founding member of the Texas Package Store Association, an organization he was active in for more than 25 years; and

WHEREAS, In addition to his professional pursuits, Mr. Roden served on the chamber of commerce's board of directors and its executive committee and gave generously of his time and resources to such worthwhile organizations as the 4-H Club and Future Farmers of America, the Buffalo Trails Council of the Boy Scouts, and the Boys Club of Odessa; he was also an active supporter of the Permian Basin Oil Show and was a founder and board member of the Sandhills Stock Show and Rodeo; and

WHEREAS, He worked toward establishing the Texas Tech University Regional Academic Health Center in Odessa and pushed for the expansion of Medical Center Hospital; he was also instrumental in establishing The University of Texas of the Permian Basin and served on the university president's advisory board; and

WHEREAS, Highly regarded by all who knew him, Mr. Roden received the Liberty Bell award in 1979, which is given annually by the Ector County Junior Bar Association to a nonlawyer who best upholds the tradition of American justice; he also received the 1984 Texas Commerce Bank Silver Bar Award for his accomplishments under the free enterprise system; and

WHEREAS, Other accolades included being named Outstanding Citizen in 1976 by the Odessa Chamber of Commerce and National Retailer of the Year in 1958 and 1960; in 1988, the chamber of commerce elected Mr. Roden to the Odessa Business Hall of Fame; and

WHEREAS, Regarded as a pillar of the community, Mr. Roden will long be remembered for his quiet behind-the-scenes support of many worthwhile projects in Odessa and West Texas; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby pay tribute to the life of Tom "Pinkie" Roden and extend sympathy to the members of his family: to his wife, Jane; to his daughter, Cynthia Hopper; to his grandson, Thomas Paul Hopper, all of Odessa; to his brothers, Ted Roden of Odessa and Bill Roden of Midland; and to his sisters, Ann Deaderick and Francis Standifer, both of Odessa; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the members of his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Tom "Pinkie" Roden.

The resolution was read.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Montford escorted the following members of Mr. Roden's family to the President's Rostrum: Brother and sister-in-law, Ted and Jan Roden; brother and sister-in-law, Bill and Marion Roden and their son, Van; sister, Ann Roden Deaderick and her son, Frank.

The President presented them with an enrolled copy of H.C.R. 163.

SENATE RESOLUTION 301

Senator Brown offered the following resolution:

WHEREAS, Space Day is a celebration of the anniversary of the launch of the first human into space on April 12, 1961, as well as the launch of the first reusable spacecraft in 1981; and

WHEREAS, The launch of cosmonaut Yuri Gagarin on April 12, 1961, signified the beginning of manned spacecraft; this event prompted the United States to launch Alan Shepard on May 5, 1961, and is thus regarded as the cornerstone of all space exploration; and

WHEREAS, The Space Shuttle Columbia, launched on April 12, 1981, signified the beginning of a new era in space flight, an era of reusability and accessibility to space; and

WHEREAS, The launch of STS-1 altered the goal of the space program from one of exploration to work; now that the Space Shuttle is the mainstay of the United States space program, the launch of Columbia takes on a significance in American history that rivals the moon landing or the launch of Alan Shepard; and

WHEREAS, The United States space program has evolved into a large multibillion-dollar venture, combining the resources and support of government, the military, higher education, and industry into a new complex of space science and space technology; and

WHEREAS, Since the beginning of the next era of man's presence in space, heralded by the launching of Columbia in 1981, and since the focus is now not only future exploration but also a continual working presence in space, education about and involvement in this new space science/industry complex shall be of utmost importance and interest to all Texans as we enter the next century; and

WHEREAS, With the Manned Spacecraft Center, a major hub of the United States space program, and its related industries and educational institutions located in Texas, development of a space science industry through stimulation by the Texas Space Commission will provide Texans with a sense of pride and responsibility towards the space program and the space science industry; and

WHEREAS, As Texans become aware of their state's important link in the future of this relatively young industry, they will move ahead with a resulting spirit of adventure and achievement in the same tradition of past space milestones to make Texas a leader in this venture; and

WHEREAS, The Students for the Exploration and Development of Space at The University of Texas are to be commended for their efforts in making all Texans aware of the importance of the advancement of this program; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby acknowledge Texas Space Day on April 12, 1989, and its significance for all Texans; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Students for the Exploration and Development of Space in recognition of their interest and involvement in the space program.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the President's request, Senator Brown escorted the following guests to the President's Rostrum: Thomas Durrnin, Edward Kenny and Mark Leofler.

The President presented an enrolled copy of S.R. 301 to these students.

GUEST PRESENTED

Senator Krier was recognized and presented Dr. Leonel Reyes, Jr., of San Antonio.

The Senate welcomed Dr. Reyes, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE RESOLUTION 323

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to proclaim April, 1989, as Texas Special Olympics' "A Time for Heroes Month" in Texas; and

WHEREAS, Texas is a state of heroes, from the battlefields of the Alamo and San Jacinto, to the sporting fields; from the N.A.S.A. space center to the Superconducting Super-Collider site; from the classroom to the boardroom; and

WHEREAS, Texas is a state where each resident and visitor is encouraged to participate in competition, be it in the sporting arena, against the elements and odds, or in the area of individual growth and knowledge; and

WHEREAS, Texans pride themselves on surmounting all obstacles and forging ahead with courage, fortitude, and dignity; and

WHEREAS, The Special Olympics provides an arena of opportunity for athletes with mental retardation to reach for goals and participate in competitive events; and

WHEREAS, The Special Olympics provides an arena for families of athletes, corporate sponsors, and community volunteers to work together in a common cause toward a common goal; and

WHEREAS, The Texas Special Olympics involves more than 24,000 people, both children and adults, who train and compete in 25 sports at the local, state, and international level; and

WHEREAS, The Area 13 Hill Country athletes have exhibited and continue to exhibit bravery and courage as they compete in sports of the Texas Special Olympics games; and

WHEREAS, This competition fosters the courage and commitment that make our State of Texas great; and

WHEREAS, These athletes and citizen volunteers and sponsors exemplify the word "HERO"; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby proclaim April, 1989, Texas Special Olympics' "A Time for Heroes Month" in recognition of the splendid accomplishments achieved by these special athletes and those who train them; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as a token of respect and admiration from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Barrientos escorted the following guests to the President's Rostrum: Mary Margaret Searight; her parents, Allen and Charleen Searight; Special Olympics officials, Shannon Bogus and Peggy Smith.

The President presented an enrolled copy of S.R. 323 to these guests and joined the Senate in a warm welcome to them.

SENATE RESOLUTION 333

Senator Carriker offered the following resolution:

S.R. 333, Recognizing March 30, 1989, as National Guard Day in Texas.

The resolution was read and was adopted viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 30, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF IRRIGATORS, FOR A
TERM TO EXPIRE JANUARY 31, 1995:

J. CARL CAUSEY
S.S. Route, Box 2
Weatherford, Texas 76086

Mr. Causey will be replacing Herman Johnson of Corpus Christi, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC
ACCOUNTANCY, FOR A TERM TO EXPIRE JANUARY 31, 1995:

WILLIAM R. COX
13623 Tosca
Houston, Texas 77079

Mr. Cox will be replacing Walter D. Davis of Houston, whose term expired.

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS WOMAN'S
UNIVERSITY, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

JEANNE L. JOHNSON
6211 W. Northwest Highway G815
Dallas, Texas 75225

Ms. Johnson will be replacing Roland Boyd of McKinney, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF EXAMINERS OF
PSYCHOLOGISTS, FOR A TERM TO EXPIRE OCTOBER 31, 1991:

LISA SAEMANN
6619 E. Mockingbird
Dallas, Texas 75214

Ms. Saemann will be filling the unexpired term of Ann Crews of Dallas, who resigned.

TO BE ADJUTANT GENERAL OF TEXAS, FOR A TERM TO EXPIRE
FEBRUARY 1, 1991:

BRIGADIER GENERAL WILLIAM C. WILSON
P. O. Box 823
Commerce, Texas 75428

General Wilson will be replacing General James T. Dennis of Bedford, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Haley requested that Larry Jay Christopher, to be a Member of the Board of Regents, Stephen F. Austin State University, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

Members, Texas Board of Health: MRS. JOAN WOOD BIGGERSTAFF, Collin County; DR. ROBERT E. BONHAM, Dallas County; DR. BENNETT LLOYD GILL HARBER, Kendall County; WILLIAM D. POTEET III, Lubbock County; DR. MILTON LEE RISINGER, Kaufman County.

Members, Board of Regents, East Texas State University: KERRY NOBLE CAMMACK, Gregg County; GAYLORD T. HUGHEY, JR., Smith County; WILLIAM DAVIS NORTON, Smith County.

Member, School Land Board: GAYLORD T. HUGHEY, JR., Smith County.

Member, Board of Regents, Texas Tech University: JAMES L. "ROCKY" JOHNSON, Dallas County.

Members, Board of Directors, Angelina and Neches River Authority: JOE E. RICH, SR., Angelina County; MRS. JOYCE SWEARINGEN, Nacogdoches County.

Members, Board of Directors, Brazos River Authority: ROBERT GERARD BOONE, Johnson County; KENNETH K. "KIM" BRIMER, JR., Tarrant County; ROBERT KELLEY PACE, Wichita County; JAMES F. WOOD, McLennan County.

Members, Board of Directors, Nueces River Authority: EUGENE L. AMES, JR., Bexar County; ASA BEACH, JR., Jim Wells County; DOLPH BRISCOE III, La Salle County; GEORGE A. FINLEY III, Nueces County; STEVAN R.

GALLEGOS, Medina County; JOSEPH E. GARDNER, JR., Nueces County; JAMES WARD GORMAN, Bexar County; JAY T. KIMBROUGH, Bee County; DANIEL SHAW OUELLETTE, Bee County.

Members, Board of Directors, Red River Authority: BEN D. BLACKBURN, Grayson County; DAVID E. GEE, Wichita County; RICHARD O. HARRIS, SR., Potter County; STEPHEN HARDY LEDWELL, Bowie County; WILLIAM L. LINDEMANN, Archer County.

Member, Board of Directors, Runnels County Water Authority: LEON FRERICH, Runnels County.

Members, Board of Directors, Sabine River Authority: LUTHER EARL "RED" DAVIS, Sabine County; HORACE FRANKLIN McQUEEN, Smith County; WILLIAM Y. RICE, Gregg County.

Members, Board of Directors, Trinity River Authority: ALBERT C. BARGER, Leon County; DONALD FRANKLIN DEAN, Madison County; T. WALTER ERWIN III, Ellis County; ROGER C. HUNSAKER, Tarrant County; JOHN W. RHEA, JR., Dallas County; JAMES HARRISON SEWELL, San Jacinto County; JOE WAYNE VANECEK, Trinity County.

Members, Board of Directors, Upper Colorado River Authority: ROBERT L. GALLOWAY, Coke County; DOUGLAS JAMES ROGERS, Tom Green County.

Members, Board of Directors, Upper Guadalupe River Authority: A. J. BROUGH, Kerr County; ROBERT LYNN FINCH, Kerr County; JOHN R. "JACK" FURMAN III, Kerr County; MRS. MARY VIRGINIA HOLEKAMP, Kerr County.

Member, Board of Directors, Upper Neches River Municipal Water Authority: J. R. "JACK" HOCKRIDGE, Anderson County.

Members, Texas Board of Architectural Examiners: MRS. DEE LYNN AGUILAR, Tarrant County; EARL P. BROUSSARD, JR., Travis County; MORRIS ALLEN GRAVES, Fort Bend County; THOMAS W. PARKER, Brazos County.

Members, Texas State Board of Examiners of Professional Counselors: DANIEL W. ADAMS, Nueces County; DR. RODOLFO ARREDONDO, JR., Lubbock County; MRS. NANCY AVERY PRESSLER, Harris County.

Members, State Board of Registration for Professional Engineers: JAMES CHIEN-I CHANG, Harris County; CARL RUCHELL HUBERT, Harris County; JOSE "JOE" I. NOVOA, Dallas County.

Members, Commission on Law Enforcement Officer Standards and Education: JOHN E. CLARK, Bexar County; LOUIS THEODORE GETTERMAN III, Travis County; MRS. MAXINE ELAINE HANNIFIN, Midland County.

Members, Polygraph Examiners Board: J. GLENN DIVINEY, Tarrant County; WILLIAM JOSEPH TAYLOR, Williamson County.

Member, Texas Board of Private Investigators and Private Security Agencies: JACK MONTAGUE, Travis County.

Members, Texas State Board of Examiners of Psychologists: RONALD ALLAN BRANDON, Bell County; MRS. ANN CRICHTON CREWS, Dallas County; DR. LARRY STEVEN SCHOENFELD, Bexar County; DR. JOHN SELL, Dallas County.

Member, Texas Real Estate Commission: JOHN L. MINOR, JR., Harris County.

**COMMITTEE SUBSTITUTE
SENATE BILL 916 ON SECOND READING**

Senator Tejada moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 916, Relating to the offense of evading arrest or detention.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Ratliff, Santiesteban, Sims, Tejada, Truan, Whitmire, Zaffirini.

Nays: Johnson, Parker.

Absent: Washington.

Absent-excused: Parmer, Uribe.

The bill was read second time.

Senator Tejada offered the following amendment to the bill:

Amend **C.S.S.B. 916** on page 1, Section 1, line 14, by deleting the phrase "probable cause" and inserting the phrase "reasonable suspicion" in its place.

The amendment was read and was adopted viva voce vote.

On motion of Senator Tejada and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Johnson and Parker asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 916 ON THIRD READING**

Senator Tejada moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Ratliff, Santiesteban, Sims, Tejada, Truan, Whitmire, Zaffirini.

Nays: Johnson, Parker, Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Johnson and Parker asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
March 30, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 192, Relating to the administration of the pre-parole transfer program.
(As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
MHouse of Representatives

SENATE BILL 120 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 120, Relating to smoking in public places or at public meetings; providing penalties.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 120**, SECTION 3, by adding the following:

(7) "Bar" includes:

(A) any area of a restaurant, excluding dining area, that is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which food service, if any, is only incidental to the consumption of such beverages; or

(B) all areas of any establishment in which more than 50% of its annual gross sales is from the sale of alcoholic beverages for on-premises consumption.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 120 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sims, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Brown, Haley, Henderson, Ratliff, Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Haley, Henderson, McFarland, Ratliff and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 621 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 621, Relating to the authority of the district court to appoint a receiver to assist in the repair of substandard buildings in an action brought by a home-rule municipality.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 621** as follows:

(1) Delete Subdivision 8 on lines 23 through 25 on page 2 and renumber the succeeding subdivisions appropriately.

(2) Delete lines 26 and 27 on page 3.

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 621 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 621** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 75 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 75, Relating to discrimination in certain transactions concerning housing; providing civil and criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 75 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 743 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 743, Relating to the regulation of the practice of architecture.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend Subsection 3 of Section 6 of C.S.S.B. 743 to read as follows:

3. a person who prepares architectural ~~[To the preparation of]~~ plans and specifications for or ~~observes [and the supervision of]~~ the alteration of any building provided the alteration will not involve ~~[involving substantial and major]~~ structural or exitway changes to the building which are substantial and major.

The plans and specifications for an alteration to a building described in subsection (4) of this section may be prepared by a person who is not a registered architect.

The amendment was read and was adopted viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 2

Amend SECTION 8 of C.S.S.B. 743 to read as follows:

Sec. 16. To protect the public health, safety, and welfare of the citizens of this state, an architect registered in accordance with this Act must prepare the architectural plans and specifications for:

(1) a new building intended for education, assembly, or office occupancy whose construction costs exceed Fifty Thousand Dollars (\$50,000) to be constructed by a state agency, a political subdivision of this state, or any other public entity in this state; or

(2) any structural or exitway changes that are substantial and major that have construction costs that exceed Twenty-five Thousand Dollars (\$25,000) to an existing building owned by a state agency, a political subdivision of this state, or any other public entity in this state that is used or will be used for educational, assembly or office occupancy.

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 743 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 743** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

HOUSE BILL 190 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 190, Relating to an exemption from certain fee increases for psychological associates.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 190 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

SENATE RULE 7.22(b) SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 7.22(b) was suspended as it relates to the House amendment to **S.B. 192**.

SENATE BILL 192 WITH HOUSE AMENDMENT

Senator Glasgow called **S.B. 192** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Williamson

Amend S.B. 192 as follows:

- (1) On page 3, line 13, after “to a”, insert: “secure”.
- (2) On page 3, line 26, after “to a”, insert: “secure”.
- (3) On page 4, line 1, after the period, insert: “The board may not authorize a transfer under this section on or after the first anniversary of the day that this section takes effect”.
- (4) On page 4, line 4, after “to a”, insert: “secure”.
- (5) On page 4, line 12, after “to a”, insert: “secure”.
- (6) On page 4, line 13, strike “as well as” and substitute “and the board shall request the sheriff to forward to the department and to the board”.
- (7) On page 4, line 16, after the period, insert: “The board shall determine whether the information forwarded by the sheriff contains a fingerprint from the person and, if not, the board shall obtain a 10-finger print from the person, either by use of the ink-rolled print method or by use of a live-scanning device that prints the fingerprint on paper, and shall forward the 10-finger print to the department for inclusion with the information sent by the sheriff.”
- (8) Insert a new Section 2 of the bill to read as follows and renumber the existing Sections 2 and 3 accordingly:

SECTION 2. Section 8, Article 42.09, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) If the board releases on parole a person who is confined in a jail in this state, a federal correctional institution, or a correctional institution in another state, the Board of Pardons and Paroles shall request the sheriff who would otherwise be required to transfer the person to the Texas Department of Corrections to forward to the board and to the department the information described by Subsections (a) and (c) of this section. The sheriff shall comply with the request of the board. The board shall determine whether the information forwarded by the sheriff under this subsection contains a fingerprint from the person and, if not, the board shall obtain a 10-finger print from the person, either by use of the ink-rolled print method or by use of a live-scanning device that prints the fingerprint image on paper, and shall forward the 10-finger print to the department for inclusion with the information sent by the sheriff.

The amendment was read.

Senator Glasgow moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 192 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Glasgow, Chairman; Caperton, Lyon, McFarland, Montford.

SENATE BILL 717 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 717, Relating to the creation, administration, powers, duties, operation, and financing of the Columbus Community Hospital District; granting the power of eminent domain; granting the authority to issue bonds; and providing for the levy of taxes.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 717 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

SENATE BILL 176 ON THIRD READING

Senator Washington moved that the regular order of business be suspended and that **S.B. 176** be placed on its third reading and final passage.

S.B. 176, Relating to the prosecution of an appeal or writ of error in a civil case by certain indigent persons.

The motion prevailed viva voce vote.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

SENATE BILL 566 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 566, Relating to the carrying of weapons by members of the state military forces.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 566 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 566** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

**COMMITTEE SUBSTITUTE
SENATE BILL 179 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 179, Relating to the maintenance by a county of an official public record index by computer.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 179 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 179** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

SENATE BILL 992 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 992, Relating to professional achievement and proficiency certificates for law enforcement officers.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 992 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 992** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

SENATE BILL 671 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 671. Relating to clarification and authorization relating to drugs and devices necessary to perform dialysis for persons with chronic kidney failure.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 671** by inserting a new Section 4.2 on page 1 between lines 45 and 46 as follows:

Sec. 4.2. (a) With respect to drugs or devices necessary to perform dialysis covered in Sec. 4.1, the Board shall promulgate such rules and regulations, not inconsistent with this Act, as are necessary to ensure the safe distribution of such drugs and devices without interruption of supply, including manufacturer or wholesaler licensing, records, evidence of delivery to the patient or the patient's designee, patient training, specific product and quantity limitation, physician prescriptions or order forms, adequate facilities, and appropriate labeling to ensure necessary information is affixed to or accompanies such drugs or devices.

(b) If the Board finds any drugs or devices distributed pursuant to this Act to be ineffective or unsafe for their intended use, the Board may institute immediate recall of any or all of such drugs or devices distributed to individual patients under authority of this Act.

The amendment was read and was adopted viva voce vote.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 671** on page 1, by inserting a new Subsection (4) in SECTION 1 of the bill between lines 44 and 45 as follows:

(4) The drugs and devices necessary to perform dialysis as covered by this act may not be delivered via mail order.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE
JOINT RESOLUTION 34 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 34, Proposing a constitutional amendment relating to the authority of the legislature to provide by general or special law for the creation, establishment, maintenance, and operation of a hospital district.

The resolution was read second time.

Senator Armbrister offered the following amendment to the resolution:

Amend C.S.S.J.R. 34 as follows:

(1) Add a new SECTION 2 to read as follows:

SECTION 2. Article IX of the Texas Constitution is amended by adding Section 9B to read as follows:

Sec. 9B. The legislature by general or special law may provide for the creation, establishment, maintenance, and operation of hospital districts located wholly in a county with a population of 75,000 or less, according to the most recent federal decennial census, and may authorize the commissioners court to levy a tax on the ad valorem property located in the district for the support and maintenance of the district. A district may not be created or a tax levied unless the creation and tax are approved by a majority of the registered voters who reside in the district. The legislature shall set the maximum tax rate a district may levy. The legislature may provide that the county in which the district is located may issue general obligation bonds for the district and provide other services to the district. The district may provide hospital care, medical care, and other services authorized by the legislature.

(2) Renumber current SECTION 2 as SECTION 3 and insert the words “and maintain” in the ballot proposition between the words “whether to create” and “hospital districts.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 34 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

COMMITTEE SUBSTITUTE SENATE BILL 907 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 907, Relating to the creation, administration, powers, duties, operation, and financing of hospital districts; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 907 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 907 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

SENATE BILL 697 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 697, Relating to the license fee for a hunting cooperative.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 697 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 697 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

SENATE BILL 742 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 742, Relating to the mandatory reporting of certain malpractice claims to the Texas State Board of Podiatry Examiners.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 742 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 742 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

SENATE BILL 180 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 180, Relating to the Texas Department of Human Services providing to the attorney general's office certain information relevant to the collection of child support.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 180 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed viva voce vote.

SENATE BILL 181 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 181, Relating to the method of payment of certain child support obligations.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 181 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 181** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Uribe.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Uribe.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 336 - By Lyon: Commending the 1988-1989 Edgewood basketball team.

S.R. 339 - By Glasgow: Extending welcome to government students from Tarrant County Jr. College, South Campus.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:42 p.m. adjourned, in memory of San Antonio Police Officer Gary Williams, until 11:00 a.m. Monday, April 3, 1989.

APPENDIX

Signed by Governor
(March 28, 1989)

H.C.R. 28